

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BROWN,

Plaintiff,

v.

LION SHARE INVESTMENTS, LLC,

Defendant.

Case No. [17-cv-05531-EMC](#)

**ORDER DENYING PLAINTIFF'S
APPLICATION FOR LEAVE TO
PROCEED IN FORMA PAUPERIS**

Docket No. 19


Plaintiff has applied for leave to proceed in forma pauperis on her appeal to the Ninth Circuit from this Court's order denying her application for a stay of a bankruptcy court order pending her appeal. "An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a)(3). The Ninth Circuit has held that "if at least one issue or claim is found to be non-frivolous, leave to proceed in forma pauperis must be granted for the case as a whole." *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002).

Plaintiff appears to meet the financial requirements for in forma pauperis status. The Court nevertheless **DENIES** her request because her appeal does not present a non-frivolous claim, for the same reasons stated in the Court's order of denial. *See* Docket No. 13; *In re Perl*, 811 F.3d 1120, 1127-29 (9th Cir. 2016) (under California law, "no occupant of the premises retains any possessory interest of any kind following service of the writ of possession").

This disposes of Docket No. 19.

IT IS SO ORDERED.

Dated: October 31, 2017


EDWARD M. CHEN
United States District Judge